

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

Salih Wasim Lutfi

#15450-021

(Enter above the full name of the plaintiff
or plaintiffs in this action).

(Inmate Reg. # of each Plaintiff)

VERSUS

CIVIL ACTION NO. 5:15-2064

(Number to be assigned by Court)

E. Stock - Case Manager

Hawkins - Counselor

R. Maza - Case Manager

Westcott - Counselor, Warden L. Coakley

(Enter above the full name of the defendant
or defendants in this action)

FILED

FEB 23 2015

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes ✓

No

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: Salih W. Lutfi

Defendants: Camden County Sheriff Dept.

2. Court (if federal court, name the district; if state court, name the county);

Woodbine Court House, Camden County

3. Docket Number: N/A

4. Name of judge to whom case was assigned:

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

I filed it but did not pursue it.

6. Approximate date of filing lawsuit: Sometime in 2010

7. Approximate date of disposition: N/A

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

- C. Defendant: E. Stock
 is employed as: CASE Manager
 at Federal Prison Camp (Beckley)
- D. Additional defendants: Hawkins (counselor)
Westcott (counselor)
R. Maza (Case Manager)
Linden J. Coakley

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

E. Stock, Hawkins, Westcott, all will not do any copies for me EVEN when I offer to pay for access of court. All will not give me requested BP-8's, BP-9's, and BP-10's for filing complaints and for inmate appeals. All are harassing and retaliating against me for filing complaints against fellow staff members. My legal documents were ~~trashed~~ ^{thrown} away by E. Stock and R. Maza. All because one of my complaints was against E. Stock. I told both E. Stock and R. Maza that I needed that paperwork copied for my D.H.D. hearings the following week on the 25th of Nov. 2014. R. Maza said he would copy it, but upon him reading the material he saw that I had a complaint about E. Stock who was accompanying him. So he gave it to HER.

IV. Statement of Claim (continued):

E. Stock was upset and questioned me about it. A few days passed and I write to them both explaining again, that I need those papers for my D.H.D. hearing, because it was part of my defense. Neither one replied. So, in the end all my papers were lost by them and I was unprepared for my D.H.D. hearing for (101) assault. On 12/23/14 E. Stock came to my cell door (B-12) and asked me what do I need? I said, "I need some copies of legal materials." She said sarcastically, "what's wrong with your hands?" I said, "so you are denying me legal copies when I am willing to pay?" She said again "what's wrong with your hands?" She also said that she was not doing my transfer until my D.S. time was up. But my disciplinary segregation was suspended. She is just threatening me and harassing me. E. Stock is being bias in her official duties as a case...
(SEE attachment)

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

Denotion of case manager E. Stock is Requested for a more competent, professional case manager. Hawkins, R. Mara, Westcott, should have this incident filed in their personal Employee files for code an Ethics. For the application of the Second Chance Act to be applied with consistant standards for RLC placement and Home confinement.

-OR-

Exspung (101) assault and restore all goodtime and privileges immediately.

V. Relief (continued):

VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

N/A

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____ No ✓

If so, state the name(s) and address(es) of each lawyer contacted:

If not, state your reasons: Don't know of any

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____ No ✓

If so, state the lawyer's name and address:

Signed this 29th day of December, 2014.

Salih W. Tutfi

Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12-29-14.
(Date)

Salih W. Tutfi
Signature of Movant/Plaintiff

Signature of Attorney
(if any)

Continued: Statement of Claims

manager. She deliberately waits until inmates get down to less than a year before she starts doing their release plans. (Look at her 2014 case load) One guy inmate Nalls, she waited until he had (3) months left from his release date before she did his release plan. Most inmates she waits until they are less than a year and only requests less than (6) months or (6) months Halfwayhouse (RRC) or Home Confinement.

She is not applying consistent standards for the application of the Second Chance Act. Is bias and discriminative to all other programming that does not involve her. She only recommends (6) months or less for most inmates, but for her (K9) program inmates, she recommends (9) months RRC placement or Home confinement. She is deliberately trying to hinder our re-entry back into society successfully.

E. Stock told me that she was putting me in for the Second Chance Act but was only recommending (6) months RRC placement. I said, "this is not the Second Chance Act, if I am eligible, why am I not getting the recommendation for both RRC and Home confinement?" She said, "you're not getting both, we don't do that here." So, I told her, "do not use the Second Chance Act because of their in-house rules and wrong interpretations." Administrative Remedy Process for inmates here is a joke. I can't get the necessary documents to file anything grievances or appeals." Lastly, my points should have dropped after a year of clean conduct and programming, but Ms. E. Stock refused to drop my points.

(Page 8)

E. Stock also deliberately held up my transfer to make me due (two) months of Disciplinary Segregation time which was suspended, to further harass me.

BP-A0148

JUNE 10

INMATE REQUEST TO STAFF CD FORM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <i>Ms Stock</i>	DATE: <i>5-30-14</i>
FROM: <i>Salih W. Lutfi</i>	REGISTER NO.: <i>15450-021</i>
WORK ASSIGNMENT: <i>Balber</i>	UNIT: <i>EVERGREEN</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

My request is that I be allowed the maximum RRC placement and home confinement. SEE attachments (A-F)

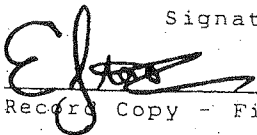
(Do not write below this line)

DISPOSITION:

In December 2013 you were reviewed for the 2nd chance Act. It was determined that you do have a release residence and support from your family and friends. A recommendation of home detention on April 1, 2015 will be made by your unit team. If home detention is not an option in your district, we are recommending 90-120 days KRC.

Signature Staff Member

Date


6-8-14

Record Copy - File; Copy - Inmate

PDF

Prescribed by P5511

Copy

Attachment (A)

May 30, 2014

Unit Team/Camp Administrator
FPC Beckley

RE: Request for RRC Placement and Home Confinement

To Whom it may Concern:

I am writing to you to request that I be allowed to receive RRC placement and home confinement for the maximum allowable periods of 12 months and six months respectively, pursuant to 18 USC 3621 (c)(2); 18 USC 3624; and Program Statement P5330.11 (copies attached). Having completed the Non-Residential Drug Abuse Program, BOP policy encourages each Warden to approve the inmate for the maximum period of RRC placement. The maximum period of RRC placement, pursuant to 18 USC 3624 is now 12 months. Further, because I have no place of residence and limited employment options, I am also requesting the maximum amount of home confinement of six months as defined by 18 USC 3621 (c)(2).

In *Perez v. Winn* (2006, DC Conn) 431 F. Supp 3d 87, Congress mandated that prisoners receive individualized evaluation of their eligibility for community corrections placement.

In *Leggett v. Nash* (2004, DC NJ) 2004 US Dist LEXIS, the Court stated that the Director of the BOP has discretion, pursuant to 18 USC 3621 (b) to review and place inmates in community corrections centers at anytime during custodial sentence; further, BOP Director has authority, if he chooses in his discretion to use it, to review inmate for possible to and placement in CCC pursuant to 18 USCS 3621 (b) at any time for any reason, in addition to transitional purposes specified in 18 USCS 3624 (c).

Because of the aforementioned characteristics of my particular situation, I am requesting your consideration in allowing my requests as listed. Thank you in advance for your assistance.

5-30-14

Salih U. Lutfi #15450-021

Copy

BEC-1330.135
May 31, 2006
Attachment AREQUEST FOR ADMINISTRATIVE REMEDY
INFORMAL RESOLUTION FORM
FCI BECKLEY, WEST VIRGINIA

Section 1 - To be completed by the Unit Counselor at the time inmate request Administrative Remedy.

Inmate Name: Salih L. LutfiRegister Number: 15450-021Assigned Unit: EVERGREENCounselor: Camp AdministratorDate of Request: 7-01-14Date of Incident: 7-01-14Specific Complaint: Cox M. Stock / Unit team - For refusal to apply consistent standards to the application of ARC placement via my eligibility for the Second Chance Act and my completion of NON-RESIDENTIAL DRUG TREATMENT.

Informal Resolution was / was not accomplished. If not accomplished, inmate issued Request for Administrative Remedy Form. Inmate was advised to review Program Statement 1330.13, Administrative Remedy Program, to ensure compliance with filing procedures.

Inmate Signature / Register Number: Salih Lutfi 15450-021Date: 7-01-14

Counselor Signature: _____

Date: _____

Section 2 - To be completed by the Counselor when inmate submits Request for Administrative Remedy Form.

Date Submitted: _____

Was issue discussed with the inmate: YES / NO. If no, reason: _____

Were staff or departments noted in Administrative Remedy contacted: YES / NO.

If no, reason: _____ If yes, response: _____

Informal Resolution was / was not accomplished. If not accomplished, staff submitted Request for Administrative Remedy Form to Administrative Remedy Coordinator.

Inmate Signature / Register Number: _____

Date: _____

Counselor Signature: _____

Date: _____

Cell # 8

BECBF 606.00 *
PAGE 001 OF 001

MALE CUSTODY CLASSIFICATION FORM

*

09-04-2014
07:23:24

(A) IDENTIFYING DATA

REG NO.: 15450-021

FORM DATE: 12-06-2013

ORG: BEC

NAME: LUTFI, SALIH W

MGTV: NONE

PUB SFTY: NONE

MVED:

(B) BASE SCORING

DETAINER: (0) NONE

SEVERITY: (3) MODERATE

MOS REL.: 21

CRIM HIST SCORE: (08) 12 POINTS

ESCAPES: (0) NONE

VIOLENCE: (2) > 15 YRS SERIOUS

VOL SURR: (3) VOL SURR

AGE CATEGORY: (2) 36 THROUGH 54

EDUC LEV: (0) VERFD HS DEGREE/GED

DRUG/ALC ABUSE: (1) < 5 YEARS

(C) CUSTODY SCORING

TIME SERVED: (4) 26-75%

PROG PARTICIPAT: (2) GOOD

LIVING SKILLS: (1) AVERAGE

TYPE DISCIP RPT: (5) NONE

FREQ DISCIP RPT: (3) NONE

FAMILY/COMMUN: (4) GOOD

--- LEVEL AND CUSTODY SUMMARY ---

BASE CUST	VARIANCE	SEC TOTAL	SCORED	LEV	MGMT	SEC LEVEL	CUSTODY	CONSIDER
+13	+19	-3	+10	MINIMUM	N/A		COM	SAME

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

Your points have not went down because nothing has changed. You are scored good in programming. You will be scored again in December. Points do not automatically go down. You may stay the same for years.

BP-A148.055
SEP 98

INMATE REQUEST TO STAFF CDFRM

FEDERAL BUREAU OF PRISONS

U.S. DEPARTMENT OF JUSTICE

TO: (Name and Title of Staff Member) <i>C.M. Stocks</i>	DATE: <i>10-09-13</i>
FROM: <i>Salih W. Lutfi</i>	REGISTER NO.: <i>15450-021</i>
WORK ASSIGNMENT: <i>General M.</i>	UNIT: <i>EVERGREEN</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

I am waiting to request that I be allowed (six) months halfway house and (six) months home confinement. This request is predicated on my need to establish adequate housing and to secure satisfactory employment.

(Do not write below this line)

DISPOSITION:

You will be reviewed for the 2nd chance Act and recommended as appropriate

Signature Staff Member <i>[Signature]</i>	Date <i>10-13-13</i>
--	-------------------------

Record Copy - File; Copy - Inmate
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86
and BP-S148.070 APR 94

FILE IN SECTION 6 UNLESS APPROPRIATE FOR PRIVACY FOLDER

SECTION 6

In the Name of Allah, the most Gracious, the most Merciful, I am most pleased to

Written Copy
(1)

Dear Inspector General;

12-9-14

Issue (1) Hello, I would like to report alot of misconduct by my unit team and staff here at Beckley. I have to resort to giving written copies of legal documents because my unit team will not make copies. Even if I offer to pay.

A couple of weeks ago, I gave Case Manager Maza whom was accompanied by Case Manager Stock, some legal papers that was a part of my defense for my D.H.O. hearing the following week.

C.M. Maza, took them and said, "he would copy them and bring them right back." He then read it and saw one of my complaints were against Ms. E. Stock. He then, gave it to her. A couple of minutes later. She comes to my door B-7 and questions me about it, then walks off, with my paperwork. While sarcastically saying, she could investigate what-
EVER she wants too.

A few days pass and I write them both telling them, "I need that back for my D.H.O. hearing." I receive no response from either. I had printed out (3) pages from the law library on Due Process 541.1 progsat. for the disciplinary process. For which, I was arguing many due process violations according to the disciplinary process. Constitutional issues cited as well.

(2)

Now the meaning of my hearing for this (101) assault. Ms. Stock was there with my staff representative Counselor Painter. I asked the D.H.O. "did he receive my complaints from Ms. Stock?" He said, "No!" I then asked him to ask Ms. Stock "who was on video" where was my papers that I had given them to copy? She said, "she couldn't copy it and left it that day with the S.H.U. one officer..." to give back to me.

Long story short, I got lost and I was unprepared for my D.H.O. hearing. In which the D.H.O. said to me, "I am not getting off on a technicality." My staff rep. Mr. Painter did not even ever come and speak to me to see what I needed help with for my defense. C. M. Moza, C. M. Stock both read it and now it disappears because it involves her and I'm bringing up due process violations. How convenient!

Issue (2) They are stopping our mail from going out and coming in. I receive mail that was postmarked a week or two ago before I finally get it. Incoming and outgoing mail is done the same way. This has gone on until date (5) months. S.I.S. is the problem.

Issue (3) They are trying to stop inmates appeal process. I appealed (see attached, 113 prohibited act). Almost two months ago, I sent it to the

(3)

Mid-Atlantic Regional and never heard anything from them. A couple of weeks ago, I wrote to the Mid-Atlantic Region and asked what was going on with my appeal. As of today, I have heard nothing.

My appeal was based on this... Officer Burdette's lying on me and it was obvious. Look at his statement on the incident report. (See attached 113) He said, "While searching a brown bag with commissary that had Lutfi's name and regulation number on it. I found two pill bottles..."

The D.H.O. and unit team (UDC) missed my point. Burdette specifically said, "Commissary that had Lutfi's name and regulation number on it."

There is no commissary purchased in the S.H.U. that comes with inmates name and regulation num. on them. Not even on radio's purchased. Nor are we allowed any other commissary that's not on the commissary sheets (see attached).

This lie was a vicious attempt to frame and convict me by officer Burdette. The D.H.O. even said in his report, that Burdette should have written me and my cellmate up. Because he found that the pills were in a constructive area.

Issue ④ I wrote several complaints against medical staff here especially Kevin Thompson. He told me, "make sure I spell his name right when I file on..."

Issue (7) At my hearing with the D.H.O. on Nov. 25th 2014. I asked him, "did he get my due process complaints from my case manager Stock?" He said, "No!" He then asks, "what's the nature of my complaints?" I advise him that I can't remember them all (3 pages) plus (3) additional pages printed out from the law library (6) total. But it's all about due process violations. He states no-matter what's in my complaints, "I am not getting off on a technicality." I then ask him to ask Mr. Stock, "what are the papers I gave her to copy last week for my D.H.O. hearing?" She says the same day I gave it to case manager Plaza who then gave it to her, she left it with the still one officer to give back to me. Because she couldn't copy it. Even though I had offered to pay for the copies.

So, my legal papers were lost in the end. Which was all of my defense. Because I could not remember all of the issues. So, now I am unprepared for my hearing. I also sent an entire separate hand written copy of my complaints. to the D.H.O. which he said he didn't receive. When the D.H.O. told me that I was not getting off on a technicality. I was scared to say anything else and perceived him as a threat to having a fair hearing. He was not acting as an independent, impartial decision maker, rather a part of the prosecution. He should have advised me of my legal rights, but he didn't and

I n the name of Allah, the Most Gracious, the Most Merciful.

①

To: EEO office

12-14-14

Complaint ①

CASE MANAGER Ms. Stock and the Administration are willfully discriminating against myself and other inmates here at Buckley. She is refusing to apply consistent standards for the application of RRC placement/Home confinement via inmates eligibility for the Second Chance Act and completion of Non-Residential Drug Treatment. My request for Halfway house and Home confinement are predicated on my need to establish adequate housing and secure satisfactory employment.

My entire incarceration I have programmed. (See attached) But Ms Stock does not care about any other programming that inmates have done. And only recommends less than (6) months to these inmates for RRC placement/Home C..

But for inmates who participate in the (K-9) program that she is instrumental in creating, inmates RECEIVE recommendations from her for (9) months RRC placement/H.C.. She is being very bias in who gets recommendations for what. She told me that she was putting me in for the Second Chance Act, but only was gonna recommend 90 to 120 days RRC. I said to her if I am eligible for the Second Chance Act, "why am I not getting the recommendation for both RRC placement and Home confinement?" Because to my understanding the Second Chance Act is for both! She said, "you're not getting both, we don't do that here."

I told her that, "this is not the Second Chance Act and don't use it." Because of her unwillingness to apply it correctly and their inhouse rules.

SENSITIVE

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Lutfi, Salih W. 15450-021 SHU BECKLEY
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

FOR OVER A MONTH I HAVE BEEN REQUESTING RECEIPTS AND RESPONSES TO MY BP-9's FILED ON THE FOLLOWING STAFF MEMBERS... Total (2) ON E, STACK R. MOZA, AND MY UNIT TEAM. STAFF MISCONDUCT, DENYING ME THE ADMINISTRATIVE REMEDY PROCESS, BIASNESS, HARASSMENT, AND RETALIATION. Total (3) FILED ON K. THOMPSON AND MEDICAL STAFF FOR DENYING ME PROPER MEDICAL TREATMENT. (1) FILED ON OFFICER TOLIVER, FOR DENYING ME MY LEGAL MAIL. (1) FILED ON OFFICER BURDETTE AND HARVEY FOR MISCONDUCT OF STAFF. ALL BP-9's FILED ARE PAST DUE PURSUANT TO BOP. POLICY TO RESPOND. THESE BP-9's I RECEIVED FROM OTHER INMATES IN THE SHU, I'VE USED TO FILE WITH. FOR MONTHS I HAVE REQUESTED TO HAVE MY BP-9's RESPONDED TO BY MR LEMASTER. EVERY WEEK HE ACTS AS THOUGH HE'S LOOKING INTO IT, THE MATTER. BUT I NEVER GET A RECEIPT OR RESPONSE. HE IS THEREFORE HOSTILE AS WELL. THEY ARE ALL WORKING TOGETHER TO CONCEAL WHAT IS GOING ON HERE. I'VE TOLD MR LEMASTER THAT ALL OF MY BP-9's FILED ARE ALL PAST DUE. HE SAID THAT I HAD TO RE-WRITE THEM AND I HAVE TO GIVE THEM TIME TO RESPOND. HE ALSO SAID THAT THOUGHT MOST WERE FRIVOLOUS. EITHER WAY THEY DESERVE TO BE RESPONDED TO. BECAUSE OF THE HOSTILE NATURE OF STAFF HERE. I AM KEEPING A COPY OF THIS GRIEVANCE FOR MY OWN RECORDS AND ADDING A HAND WRITTEN FORTH PAGE. DO TO THE FACT I CANT GET RESPONSES BACK, THE ENTIRE COMP ADMINISTRATION AND STAFF NEED TO BE INVESTIGATED. PLEASE CONTACT US INMATES 1-30-15 IN THE SHU AS WELL.

Salih W. Lutfi
SIGNATURE OF REQUESTER

DATE

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

FIRST COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



Dear Clerk;

1-29-15

Hello, my name is Salih W. Lutfi #15450-021. Unfortunately, the staff here are very hostile and stop our mail from going out. So, I had to use another inmate to send this to you.

Also, for a month now I've tried to get my unit team to fill out the "Certificate" they are mad at me for providing grievances filed against them. I've waited a month trying to get it done, but they will not do it.

(I have given you authority to receive any information needed from my account at this institution.)

(Note: I am awaiting transfer, so I will write you once I'm at my new address. No need to send me back anything here, not sure if I'll get it anyways.)

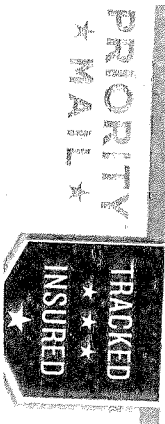
Thank You!!

(P.S. Enclosed are (3)
different lawsuits)

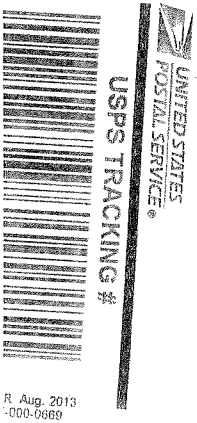
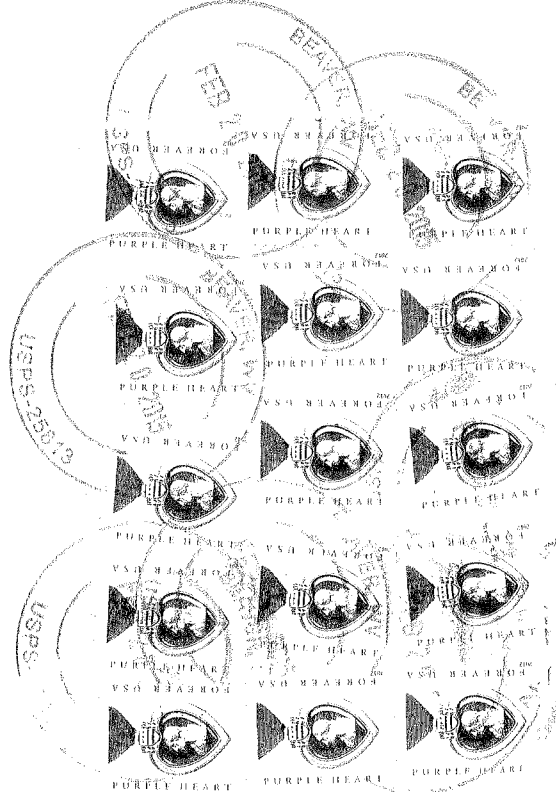
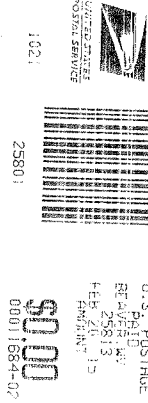
Sincerely;
Salih W. Lutfi
#15450-021
Salih W. Lutfi

Lead
Mg

JOREN Holley 46397-007
Beckley
Federal Correctional Institution
P.O. Box 350
Beaver, WV 25813



CLERK, United States District Court
110 North Heber St. Room 119
Beckley, WV 25801



R Aug. 2013
000-0669



RECEIVED

RECEIVED

2-19-14

TO